

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

Tomas Colohua-Colohua

Case No. 21 MJ 63

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 13, 2019 in the county of Dodge in the  
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

8 U.S.C. Section 1326(a)

Offense Description

Knowingly reentered the United States without the permission of the U.S. Attorney General or the Secretary of the Department of Homeland Security after being deported.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

ICE Deportation Officer Matthew Wolter

Printed name and title

Sworn via telephone; transmitted via email  
pursuant to Fed. R. Crim. 4.1

Date: January 27, 2021

City and state: Milwaukee, Wisconsin



Judge's signature

Hon. William E. Duffin, U.S. Magistrate Judge

Printed name and title

## AFFIDAVIT

I, Deportation Officer Matthew J. Wolter, first being duly sworn under oath, hereby depose and state as follows:

1. I am a Deportation Officer with U.S. Immigration and Customs Enforcement (“ICE”) and have been so employed for eleven years. I am presently assigned to the criminal alien program, which is responsible for the detection, interdiction, and apprehension of criminal aliens present within the United States. I have received training and possess experience in enforcing federal laws pertaining to crimes committed against the United States by criminal aliens, to include the investigation, detection and interdiction thereof. I have also received specialized training relating to the Immigration and Nationality Act, as amended (INA). This affidavit is based on my own personal knowledge and information from investigation reports and information given to me by other law enforcement agents and officers, information obtained from witnesses, and personal review of documents and other information gathered in the course of this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint, this affidavit does not set forth each and every fact I have learned during this investigation.

2. This affidavit is submitted in support of the attached criminal complaint charging COLOHUA-Colohua, Tomas, with reentry into the United States after deportation, in violation of Title 8, United States Code, Sections 1326(a).

3. On or about April 30, 2019, the Pacific Enforcement Response Center (PERC), Laguna Niguel, CA received an Immigration Alien Response (IAR) from the ICE Law Enforcement Support Center (LESC) on a subject arrested by Milwaukee Police Department.

The subject's fingerprints were electronically submitted to databases and upon review of information it was determined that the subject was amenable to removal from the United States. Immigration Central Index System computer check revealed that a person with the name of COLOHUA-Colohua, Tomas with the same date of birth was assigned immigration alien file (A-File) A212 995 079 and was a native and citizen of Mexico who was previously removed from the United States on June 22, 2017.

4. A review of Tomas COLOHUA-Colohua's alien file reveals that he was last encountered by United States Border Patrol on or about June 21, 2017 after entering the United States without permission at or near Rio Grande City, Texas. Tomas COLOHUA-Colohua was placed in removal proceedings pursuant to Section 235(b)(1) of the Immigration and Naturalization Act. On June 21, 2017 Tomas COLOHUA-Colohua was ordered removed from the United States to Mexico. Tomas COLOHUA-Colohua was physically removed from the U.S. on June 22, 2017 at Rio Grande City, Texas. There is no evidence in Tomas COLOHUA-Colohua's alien file or computerized records checks indicating that Tomas COLOHUA-Colohua ever applied for or received permission from the US Attorney General or his successor the Secretary of Homeland Security to re-apply for admission to the United States.

5. On December 13, 2019 Tomas COLOHUA-Colohua was interviewed, by Deportation Officer Tom Moore, at the Dodge Correctional Institution, Waupun, Wisconsin, while serving a 1-year 9-month sentence on a conviction for False Imprisonment. Subject was on December 13, 2019, served with a Notice of Intent/Decision to Reinstate Prior Order, Form I-871. Tomas COLOHUA-Colohua did not contest the allegations listed on form I-871.

6. Tomas COLOHUA-Colohua was on January 26, 2021, arrested at the Racine Correctional Institution, Sturtevant, Wisconsin by ICE officer and brought to the Milwaukee ICE

office for processing. Tomas COLOHUA-Colohua was advised of his Miranda rights in the English and Spanish languages. Tomas COLOHUA-Colohua stated that he understood his rights and that he did not want to provide a statement under oath without the presence of an attorney. Tomas COLOHUA-Colohua's fingerprints were run through the Integrated Automated Fingerprint Identification System ("IAFIS") and the Automated Biometric Identification System ("IDENT"). IAFIS records revealed that Tomas COLOHUA-Colohua is the same person who was assigned FBI identification number MRK25PPAX and had been the same subject convicted of False Imprisonment. IDENT records showed that Tomas COLOHUA-Colohua is the same person who is assigned immigration A-File number A212 995 079.

7. Based on the above information, there is probable cause to believe that Tomas COLOHUA-Colohua violated federal criminal law, specifically that he knowingly reentered the United States without the permission of the U.S. Attorney General or the Secretary of the Department of Homeland Security after being deported, in violation of Title 8, United States Code, Section 1326(a).